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EXAMINER

THAI, HANH B

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,971

Applicant(s)

VAN ZEE, PIETER J.

Examiner

Hanh B. Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 9/2/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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This is in response to amendment filed September 2, 2005.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding independent claim 1, “a selected restructuring scheme” and “a selected organization structure” are not described in the specification.

Regarding independent claims 12, 22 and 36, “organization scheme” or “organization normalizer” and “non-camera specific organization format” are not described in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, It is not clear how “the selected restructuring scheme” is used to convert the camera asset organization structure into a selected organization structure.”

Art rejection is applied as best understood by examiner in light of 112 rejections above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (US 6,567,119 B1).

Regarding claim 1, Parulski disclose a method for automatically processing digital image assets of a digital camera, comprising the steps of:

- Receiving a set of assets and metadata from a digital camera that have been organized by the digital camera into a camera organization structure (summary and col.5, line 63 to col.6, line 32, Parulski discloses picture elements “a set of assets” and “metadata” in a digital camera).
- automatically identifying a selected restructuring scheme from a plurality of restructuring schemes to use for processing the camera asset organization structure of

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the set of assets and metadata (summary and col.5, lines 46-62, Parulski discloses the step of selecting “identifying” data “images to be processed”); and

- processing the assets and metadata into a standard structure (summary and col.5, lines 46-62, Parulski discloses the selecting the images “set of assets and metadata” to be processed and converted to the finished file format “a selected organization structure”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-13, 15-25, 27-33, 36-39 and 41-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US Pub. 2002/0036710 A1) of record, in view of Parulski et al. (US 6,567,119 B1).

Regarding claim 1, Choi disclose a method for automatically processing digital image assets of a digital camera, comprising the steps of:

- receiving a set of assets and metadata ([0054]-[0058], Choi discloses the step of receiving image data “a set of assets” and text data “metadata”)
- automatically identifying a selected restructuring scheme from a plurality of restructuring schemes to use for processing the asset organization structure of the set of assets and metadata ([0054]-[0058], Choi discloses the step of receiving image data “a set of assets” including identifying “a selected restructuring scheme” and text

data “metadata” to be transformed into XML formatted data “organization structure”;
and

- processing the set of assets and metadata into a selected organization structure ([0040] and [0054], Choi).

Choi, however, does not disclose “a digital camera” and “a set of assets from a digital camera that have been organized by the digital camera into a camera asset organization structure.” Parulski, on the other hand, discloses picture elements “a set of assets” and “metadata” in a digital camera (summary and col.5, line 63 to col.6, line 32) and selecting the images “set of assets and metadata” to be processed and converted to the finished file format “a selected organization structure”. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the digital camera and camera asset organization structure of Parulski into the Choi’s system to derive the invention as claimed. The motivation of doing so would have been to improve the image quality in digital camera system (col.3, lines 15-19, Parulski).

Regarding claim 2, Choi/Parulski combination the method of claim 1 wherein automatically identifying the selected restructuring scheme comprises comparing the set of assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present (col.6, lines 27-32, Parulski).

Regarding claim 4, Choi/Parulski combination disclose the method of claim 2 wherein automatically identifying the selected restructuring scheme includes, where no match is found, applying a fallback scheme ([0062], Choi).

Regarding claim 5, Choi/Parulski combination disclose the method of claim 1 wherein processing the assets and metadata into the selected organization structure comprises asset normalization ([0054]-[0059], Choi).

Regarding claim 6, Choi/Parulski combination disclose the method of claim 5 wherein applying the asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, where necessary converting formats of files, and attaching associated asset handlers to specific asset types ([0054]-[0059], Choi).

Regarding claim 7, Choi/Parulski combination disclose the method of claim 5 wherein applying the asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs ([0059] and [0065], Choi).

Regarding claim 8, Choi/Parulski combination disclose the method of claim 7 wherein the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset moralizer's knowledge and heuristics ([0063]-[0065] and [0129], Choi).

Regarding claim 9, Choi/Parulski combination disclose the method of claim 1 wherein processing includes processing the selected organization structure into a user-friendly structure that is one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips ([0059]; [0065] and [0123], Choi).

Regarding claim 10, Choi/Parulski combination disclose the method of claim 9 wherein processing includes processing the selected organization structure to provide for at least one of: viewing and hearing the user-friendly structure in an exogenous device ([0111]-[0114], Choi).

Regarding claim 11, Choi/Parulski combination disclose the method of claim 1 wherein automatically identifying a selected restructuring scheme to use for processing a set of assets and metadata includes using a framework having a set of available asset normalizers to identify a best available asset normalizer ([0040]-[0042] and [0054]-[0059]).

Regarding claim 12, Choi disclose an asset normalizing method for processing a collection of digital image, comprising the steps of:

- automatically matching an asset organization scheme of the digital TV “digital camera” to a selected asset normalizer of a predetermined set of asset normalizers ([0041]; [0043] and [0054]-[0058], Choi discloses the step of comparing of text data in digital TV “asset scheme of the digital camera” to the bit map data “selected asset normalizer” and the bit map data will be converted to correspond with display resolution “organization structure”; and
- processing the collection of digital assets of the digital TV “digital camera” into a standard structure in accordance with the best available asset normalizer ([0041]; [0043] and [0054]-[0058], Choi).

Choi, however, does not disclose “assets from digital camera” and “organization schemes from a digital camera.” Parulski, on the other hand, discloses picture elements, images “a set of assets” and “metadata” in a digital camera (summary and col.5, line 63 to col.6, line 32) and selecting the images “set of assets and metadata” to be processed and converted to the finished file format “organization schemes”. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the digital camera and camera asset organization structure of Parulski into the Choi’s system to derive the invention as claimed. The motivation of

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doing so would have been to improve the image quality in digital camera system (col.3, lines 15-19, Parulski)

Regarding claim 22, Choi disclose a digital TV “digital camera” system for processing a camera-specific organization scheme of digital image assets into a non-camera specific organization format, comprising:

- A comparison component for automatically matching the camera-specific organization scheme of the digital TV “digital camera” to a selected asset organization normalizer of a predetermined set of asset organization normalizers ([0041]; [0043] and [0054]-[0058], Choi discloses the step of comparing of text data “camera-specific organization scheme” to the bit map data “a selected asset organization normalizer” and the bit map data will be converted to correspond with display resolution; and
- An asset-processing component, coupled to the comparison component, for organizing the digital image assets of the digital TV “digital camera” into a non-camera specific organization format in accordance with the selected asset normalizer to allow the digital image assets to be processed by a variety of devices ([0041]; [0043] and [0054]-[0058], Choi).

Choi, however, does not disclose “camera-specific organization schemes” in digital camera and “organizing digital image assets of a digital camera into a non-camera specific organization format.” Parulski, on the other hand, discloses picture elements, images “a set of assets” and “metadata” in a digital camera (summary and col.5, line 63 to col.6, line 32) and selecting the images “set of assets and metadata” to be processed and converted to the finished

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file format “non-camera specific organization format”. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the digital camera and camera asset organization format of Parulski into the Choi’s system to derive the invention as claimed. The motivation of doing so would have been to improve the image quality in digital camera system (col.3, lines 15-19, Parulski).

Regarding claim 36, Choi disclose a computer-readable medium containing instructions for processing a collection of digital image assets from a digital TV “digital camera” that are organized in a first organization format based on an asset organization scheme into a second organization format by:

- automatically matching the asset organization scheme of the digital TV “digital camera” to a selected asset organization normalizer of a predetermined set of asset organization normalizers ([0041]; [0043] and [0054]-[0058], Choi discloses the step of comparing of text data “asset organization scheme” to the bit map data “a selected asset organization normalizer” and the bit map data will be converted to correspond with display resolution; and
- processing the collections of assets of the digital TV “digital camera” into the organization format in accordance with the selected asset organization normalizer ([0041]; [0043] and [0054]-[0058], Choi).

Choi, however, does not disclose “digital image assets from a digital camera that are organized in a first organization format based on an asset organization scheme into a second organization format.” Parulski, on the other hand, discloses picture elements, images “digital image assets from a digital camera” and “metadata” in a digital camera (summary and col.5, line

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63 to col.6, line 32) and selecting the images “a first organization format” to be processed and converted to the finished file format “a second organization format”. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the digital camera and camera asset organization format of Parulski into the Choi’s system to derive the invention as claimed. The motivation of doing so would have been to improve the image quality in digital camera system (col.3, lines 15-19, Parulski).

Regarding claims 13, 23 and 37, Choi disclose the method of claim 12 wherein automatically matching an asset organization scheme includes comparing the set of digital assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present ([0041] and [0058], Choi).

Regarding claims 15, 27 and 41, Choi/Parulski combination disclose the method of claim 12 wherein automatically matching an asset organization scheme includes, where no match is found, applying a fallback asset normalizer ([0062], Choi).

Regarding claims 16, 28 and 42, Choi/Parulski combination disclose the method of claim 12 wherein processing the collection of digital image assets of the digital camera comprises asset normalization that normalizes the asset organization scheme of the digital camera into the selected standard organization structure ([0054]-[0059], Choi)

Regarding claims 17, 29 and 43, Choi/Parulski combination disclose the method of claim 16 wherein asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, where necessary converting formats of files, and attaching associated asset handlers to specific asset types ([0054]-[0059], Choi).

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Regarding claims 18, 30 and 44, Choi/Parulski combination disclose the method of claim 16 wherein asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs ([0059] and [0065], Choi).

Regarding claims 19, 31 and 45, Choi/Parulski combination disclose the method of claim 18 wherein the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset normalizer's knowledge and heuristics ([0063]-[0065] and [0129], Choi).

Regarding claims 20, 32 and 46, Choi/Parulski combination disclose the method of claim 12 wherein processing includes processing the standard organization structure into a user-friendly structure that is at least one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips ([0059]; [0065] and [0123]).

Regarding claims 21, 33 and 47, Choi/Parulski combination disclose the method of claim 12 wherein processing includes providing for at least one of: viewing and hearing assets selected by the selected asset normalizer in an exogenous device ([0111]-[0114]).

Regarding claims 24 and 38, Choi/Parulski combination disclose the digital camera system of claim 22 wherein the comparison component includes information that includes at least one of: a directory pattern, a file name pattern, and an image metadata pattern ([0004]; [0063]-[0065] and [0129], Choi).

Regarding claims 25 and 39, Choi/Parulski combination disclose the digital camera system of claim 22 wherein a directory pattern is assembled by an ordered transversal to a depth of at least one directory beneath a predetermined location and concatenating directory names with or without separator characters or symbols ([0004]; [0063]-[0065] and [0129], Choi).

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6. Claims 3, 14, 26 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US Pub. 2002/0036710 A1) of record, in view of Parulski et al. (US 6,567,119 B1) and further in view of Kain, III et al. (US 6,119,118) submitted by applicant.

Regarding claims 3, 14, 26 and 40, Choi and Parulski discloses all of the claim limitation as discussed above, except indicating to the user that no match was found. Kain discloses a method for extending file system metadata including the indicating if there is no match found (col.2, lines 5-13, Kain). It would have been obvious to one of ordinary skill in the art time of the invention to modify Choi to include the claimed feature as taught by Kain. The motivation of doing so would have been to efficiently detect the change in digital image asset (col.1, line 62 to col.2, 5, Kain).

7. Claims 34-35 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US Pub. 2002/0036710 A1) of record, in view of Parulski et al. (US 6,567,119 B1) and further in view of Calia (US 5,450,504) of record.

Regarding claims 34 and 48, Choi and Parulski discloses all of the claimed limitations as discussed above, except a comparison a score that represents a quality of a match. Calia discloses a method for finding a most likely matching of a target facial image in database of facial images including an image comparison and score for each comparison (abstract and col.11, line 24 to col. 12, line 11, Calia). It would have been obvious to one of ordinary skill in the art time of the invention to modify Choi to include the claimed feature as taught by Calia. The motivation of doing so would have been to efficiently digital image assets and determine a match (col.2, line 46 to col.3, line5, Calia).

Regarding claims 35 and 49, Choi /Parulski/Calia combination disclose the digital camera system of claim 34 wherein a highest score is the score that represents the quality of a best match (col.11, line 24 to col. 12, line 11, Calia).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh B Thai
Examiner
Art Unit 2163

November 16, 2005



UYEN LE
PRIMARY EXAMINER